General Assembly

Distr.: General
9 December 2016

Seventy-first session
Agenda item 98 (*ii*)

Resolution adopted by the General Assembly on 5 December 2016

[*on the report of the First Committee (A/71/450)*]

71/36. Preventing and combating illicit brokering activities

The General Assembly,

Noting the threat to international peace and security posed by illicit brokering activities circumventing the international arms control and non-proliferation framework,

Concerned that, if proper measures are not taken, the illicit brokering of arms in all its aspects will adversely affect the maintenance of international peace and security, and prolong conflicts, and could be an obstacle to sustainable economic and social development and result in illicit transfers of conventional arms and the acquisition of weapons of mass destruction by non-State actors,

Recognizing the need for Member States to prevent and combat illicit brokering activities, which covers not only conventional arms but also materials, equipment and technology that could contribute to the proliferation of weapons of mass destruction and their means of delivery,

Reaffirming that efforts to prevent and combat illicit brokering activities should not hamper the legitimate arms trade and international cooperation with respect to materials, equipment and technology for peaceful purposes,

Recalling Security Council resolution 1540 (2004) of 28 April 2004, in particular paragraph 3, in which the Council determined that all States shall develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, illicit trafficking in and brokering of materials related to nuclear, chemical or biological weapons and their means of delivery, in accordance with their national legal authorities and legislation and consistent with international law, and taking note of the comprehensive review of the status of implementation of resolution 1540 (2004) conducted in 2016,

Recalling also General Assembly resolution 69/62 of 2 December 2014,

Noting international efforts to prevent and combat illicit arms brokering, in particular in small arms and light weapons, as demonstrated by the adoption in 2001

Please recycle

of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,[1] and the entry into force in 2005 of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,[2]

Recognizing the importance of States parties to the Arms Trade Treaty[3] taking measures, pursuant to their national laws, to regulate brokering taking place under their jurisdiction, in accordance with article 10 of the Treaty,

Taking note of Security Council resolutions 2117 (2013) of 26 September 2013 and 2220 (2015) of 22 May 2015 on small arms and light weapons, in which the Council encouraged cooperation and information-sharing on suspect brokering activities to address the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons,

Taking note also of the report issued on 30 August 2007 by the Group of Governmental Experts established pursuant to General Assembly resolution 60/81 of 8 December 2005 to consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons[4] as an international initiative within the framework of the United Nations,

Welcoming efforts to implement the Programme of Action and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons,[5] including the holding of the second Open-ended Meeting of Governmental Experts on the Implementation of the Programme of Action in New York, from 1 to 5 June 2015,

Welcoming also, in this regard, the outcome document, adopted by consensus, of the Sixth Biennial Meeting of States to Consider the Implementation of the Programme of Action, held in New York from 6 to 10 June 2016,[6] including as it relates to illicit brokering in small arms and light weapons, and noting its value as a document for consideration as part of broader preparations for the Third United Nations Conference to Review Progress Made in the Implementation of the Programme of Action, to be held in 2018,

Underlining the inherent right of Member States to determine the specific scope and content of domestic regulations in accordance with their legislative frameworks and export control systems, consistent with international law,

Welcoming the efforts made by Member States to implement laws and/or administrative measures to regulate arms brokering within their legal systems,

Encouraging cooperation among Member States to prevent and combat illicit trafficking in nuclear materials, and recognizing in this regard existing efforts at all levels, consistent with international law,

---

[1] *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9–20 July 2001* (A/CONF.192/15), chap. IV, para. 24.

[2] United Nations, *Treaty Series*, vol. 2326, No. 39574.

[3] See resolution 67/234 B.

[4] A/62/163 and Corr.1.

[5] See decision 60/519 and A/60/88 and Corr.2, annex.

[6] A/CONF.192/BMS/2016/2, annex.

Welcoming the International Conference on Nuclear Security to be held by the International Atomic Energy Agency in Vienna, from 5 to 9 December 2016, noting that such continued efforts will usefully build upon the outcomes of processes including the fourth Nuclear Security Summit, held in Washington, D.C., on 31 March and 1 April 2016,

Encouraging Member States in a position to do so to share their experience and practices in relation to the control of illicit brokering and to further enhance international cooperation to this end,

Noting with satisfaction the awareness-raising activities of the United Nations Institute for Disarmament Research, which contribute to efforts aimed at preventing and combating illicit brokering activities,

Acknowledging the constructive role that civil society can play in raising awareness and providing practical expertise on the prevention of illicit brokering activities,

1. *Underlines* the commitment of Member States to address the threat posed by illicit brokering activities;

2. *Encourages* Member States to fully implement relevant international treaties, instruments and resolutions to prevent and combat illicit brokering activities, and implement, where appropriate, the recommendations contained in the report of the Group of Governmental Experts;[4]

3. *Calls upon* Member States to establish appropriate national laws and/or measures to prevent and combat the illicit brokering of conventional arms and materials, equipment and technology that could contribute to the proliferation of weapons of mass destruction and their means of delivery, in a manner consistent with international law;

4. *Acknowledges* that national efforts to prevent and combat illicit brokering activities can be reinforced by such efforts at the regional and subregional levels;

5. *Emphasizes* the importance of international cooperation and assistance, capacity-building and information-sharing in preventing and combating illicit brokering activities, and encourages Member States to take such measures as appropriate and in a manner consistent with international law;

6. *Encourages* Member States to draw, where appropriate, on the relevant expertise of civil society in developing effective measures to prevent and combat illicit brokering activities;

7. *Decides* to include in the provisional agenda of its seventy-third session, under the item entitled "General and complete disarmament", the sub-item entitled "Preventing and combating illicit brokering activities".

51st plenary meeting
5 December 2016